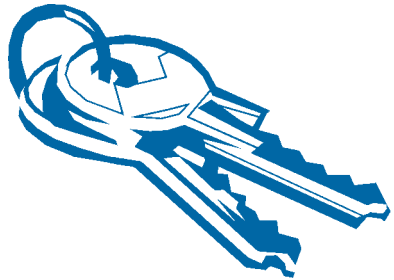


Youth Rights and Responsibilities

A Handbook for North Carolina's Youth



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State of North Carolina

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Preface

Young people today are faced with many decisions and responsibilities. *Youth Rights and Responsibilities* is a handbook created to help inform middle and high school students about their rights and responsibilities. Youths can use this information to make informed decisions about issues that will affect the rest of their lives and to support them in their journey toward becoming mature, responsible adults.

Being an informed youth is very important. Knowledge of one's own rights and responsibilities is as important as developing a respect for the rights of others. Actions seldom have isolated consequences. Rights should not be exercised unless youths are willing and able to accept the accompanying responsibilities.

There are many individuals that a young person may turn to for guidance and advice. Youths may wish to talk about important issues with a trusted adult such as a parent or other relative, teacher, counselor, pastor, minister, rabbi, social worker, coach or physician. However, if for some reason it is not possible for a youth to obtain information from a trusted adult, the information in this book will answer many questions youths may have as well as provide sources for additional information.

We hope that this book will be helpful to youths and provide for them, their families and those who work with them the guidance needed to pursue those things that lead to a successful adulthood.



School

School is where youths spend a large portion of their time, and it plays an important role in their lives. Attending school provides youths with the opportunity to receive a strong educational foundation on which to build a successful future. School can be one of the most positive experiences in a young person's life. This section attempts to answer some of the questions youths may have about their rights and responsibilities at school. School rules are developed to protect students and to provide them with the best possible educational opportunities. It is the student's responsibility to refrain from disrupting school and hindering the learning experiences of others.

1. Are youths required to attend school in North Carolina?

According to the North Carolina Compulsory Attendance Law, youths between the ages of 7 and 16 must attend public or private school. Students who fail to attend school regularly may be brought into juvenile court as undisciplined juveniles.

2. If a youth is temporarily unable to attend school due to a physical problem, is home instruction available?

Some school systems provide instruction at home for students who cannot attend regular classes. For information on a specific community, contact the principal of the local school.

3. Is the use of corporal punishment in schools legal in North Carolina?

Corporal punishment is the use of a hand, paddle, strap or other instrument to inflict physical pain on a child. It is legal, except as restricted or prohibited by rules adopted by the local board of education. There are required policies and procedures that local schools must follow when administering corporal punishment, such as where the punishment may be administered and who may administer it. Reasonable force, including corporal punishment, may be used without following these procedures when necessary to control behavior or remove a person from the scene in certain situations. Check your local school board policies on discipline to find out whether your school district permits the use of corporal punishment and for details on policies, procedures and exemptions.

4. Are students subject to dress codes while in school?

Yes, students are subject to the dress code policy as set by their local school boards.

5. How does the constitutional right to freedom of expression relate to students?

Students have the constitutional right to express their opinions. However, individual schools have the right to reasonably limit this right by regulating when and where such expressions can occur. Furthermore, libelous, obscene material that can be predicted to substantially disrupt school activities, as well as material that encourages actions endangering student health or safety, can be forbidden.

6. Must students pay for school property they damage?

If a student willfully destroys school property or takes action that causes the destruction of school property, the student and the parents of the student may be held responsible for the damages.

7. How does the constitutional right to be free from unreasonable searches and seizures relate to students?

A school official may search a student, the student's property or locker without permission if there are reasonable grounds to believe that the student may possess weapons, may have committed a crime or may have violated a school rule and that the search will produce evidence of the crime, contraband or rule violation.

8. What happens if a student brings a weapon to school?

School principals are required to report firearm possession and certain other acts of violence occurring on school property to the local law enforce-

ment agency. A student who carries a firearm or explosive onto school property commits a Class I felony, which is punishable by up to five years in prison, a fine or both. A student who possesses a weapon used to threaten and/or injure another individual commits a Class 1 misdemeanor, which is punishable by up to two years in prison, a fine or both. In addition, the General Assembly has set minimum suspension and expulsion guidelines for students who bring weapons to school. A student who possesses a firearm must be suspended from school for at least 365 days.

9. How can students get involved in preventing violence in their schools?

One way to help is to establish or become a member of a local chapter of SAVE (Students Against Violence Everywhere). This is a student-led, school-based organization created to promote non-violence in schools and to develop a consistent, non-violent school climate. For more information and other suggestions on violence prevention, contact the North Carolina Center for the Prevention of School Violence by calling toll-free, 1-800-299-6054. Staff development for conflict management and for peer mediation programs is available from: North Carolina Department of Public Instruction; North Carolina Peer Helpers Association; Mediation Network of North Carolina; Department of 4-H Youth Development, North Carolina State University; and North Carolina Center for the Prevention of School Violence.

10. What rights do students and their parents have regarding the student's school records?

A student's parents and students who are 18 or older have the following rights:

- 1) the right to inspect and review the records;
- 2) the right to a response from the school to a reasonable request for explanations and interpretations of the records;
- 3) the right to obtain copies of the records from the school if failure to provide copies would effectively prevent inspection;
- 4) the right to request amendment of records believed to be inaccurate, misleading or in violation of the student's privacy or other rights;
- 5) the right to a hearing if such amendment is denied;
- 6) the right to limit who will be able to view the records;
- 7) the right to receive a list of those individuals who have been permitted to see the records; and
- 8) the right to be informed of these rights by school officials.

11. What procedure must be followed to inspect school records?

The student or the student's parents must make a request to the school to inspect the records, and the school must make the records available within 45 days after the request is made. Most schools require that the records be viewed at the school.

12. If not in agreement or dissatisfied with the contents of a student's records, how may the student or his/her parents have the records changed?

A student's parents or a student who is 18 or older may request that a school change the contents of the student's school records if they are inaccurate, misleading or a violation of the student's rights. If the request is refused, the student or his/her parents must be informed of their right to a hearing, which would be provided by the school.

13. What are the rights of a student who is being suspended or expelled?

If a student is to be suspended for 10 days or less, the school must provide an explanation for the suspension, present the evidence the authorities have for the accusation, allow the student to present his/her version of the situation, and tell the student what evidence the school can produce to support the charges. For any suspension longer than 10 days or for an expulsion, the student and the student's parents have the following rights:

- 1) the right to written notice explaining the charges and punishment;
- 2) the right to a hearing conducted by an impartial school administrator;
- 3) the right to be told ahead of time the date of the hearing;
- 4) the right to see and copy any documents to be used at the hearing;
- 5) the right to have a record of the hearing;
- 6) the right to a decision based only on the evidence shown at the hearing;
- 7) the right to appeal the decision to the local school board; and
- 8) the right to appeal the school board's decision to the District Court.

There are also possible rights to an attorney and to question witnesses.

14. Who has the power to suspend a student from school?

The principal or a representative of the principal has the authority to suspend a student for up to 10 days. The local school superintendent has the authority to suspend students for more than 10 days.

15. What is required for a student to be expelled from school?

The student must be at least 14 years old and there be clear and convincing evidence that the student's continued presence constitutes a clear threat to the safety of other students or school employees.

16. May a pregnant student remain in school throughout her pregnancy?

A school may not prohibit a student from school attendance or participation in extracurricular activities because of her pregnancy. Some school systems offer special classes and extracurricular activities for pregnant students; other schools may require a medical certificate stating that it is medically acceptable for a particular student to participate in school programs; however, a school may require this only if it requires the same of students with other medical or emotional problems.

17. Are pregnant students required to participate in physical education classes?

A pregnant student may be excused from physical education by presenting a doctor's certification stating that it would be physically dangerous for the student to participate in physical education courses.

18. May pregnant students receive homebound instruction if they cannot remain in school during their pregnancy?

Yes, if such instruction is necessary, because pregnant students are considered students with special needs. Pregnancy of a student under age 16 does not exempt the student from the Compulsory Attendance Act. Schools are required to provide homebound instruction for all students who are unable to attend school for four weeks or more.

19. What steps should be taken by a student who plans to attend college?

Students who want to attend college should start planning early, even as early as middle school, and certainly throughout high school. A good first step is to talk with the school guidance counselor. The counselor will be able to provide information on the most suitable colleges. Many high schools have career days or college days for their students. The next step is to write to those colleges for a college catalogue and an admissions application. The catalogue will provide detailed information on the college's policies, curriculum, admission requirements, availability of financial aid, etc. Students may also want to consider visiting, if possible, the college campuses in which they are most interested. Contact the admissions office to set up a tour of the campus and to meet with someone who can an-

swer your questions. Whether or not a student is able to visit campuses, he/she should select the one or few colleges that seem most suitable and then submit applications to them. Colleges and universities usually charge a fee to process an application. However, most institutions have a procedure for obtaining a waiver of the fee if a student's financial resources are limited. It is recommended that students apply early for both admissions and financial aid.

Information on North Carolina's public and private/independent colleges and universities and community colleges can be found at the State of North Carolina's Homepage at www.ncgov.com. Click on NC Agencies and then click on Education. The Federal Student Aid Information Center can be contacted by calling 1-800-433-3243.

20. If a student does not want to attend college, what other opportunities are available?

There are many vocational training programs available. The school guidance office and the yellow pages of the telephone book can provide some information on possibilities. The armed services are also an option for men and women. There are a few jobs that do not require training beyond high school; however, education is increasingly important to higher pay and advancement. A student who discusses future plans with the school counselor and parents, beginning in middle school and continuing through high school, may find the advice of these trusted adults helpful in preparing for life after high school.

21. Where may students find information about choosing a career?

Many local public libraries have resources for college and career planning, such as the *Occupational Outlook Handbook*, the *Dictionary of Occupational Titles*, the *College Planning Guide*, and several computerized career search programs funded by federal and state sources.

NOTE: For the Department of Public Instruction's **Dropout Prevention/Driver's License Guidelines** and the **Lose Control Lose Your License Guidelines** please see the Transportation chapter.



Employment

Holding a job certainly has advantages. With a job, a youth can earn money, gain experience and develop a reference for future employment. In North Carolina there are regulations which state that those under 18 who wish to work need a work permit and that there are certain types of jobs that those under 18 years old cannot hold. There are also regulations dealing with income tax and Social Security payments.

22. Is it necessary to have a youth employment certificate (work permit) to get a job while under age 18?

Yes, if a youth is between ages 14 and 17, a youth employment certificate is required prior to employment. A youth who marries remains subject to this rule.

23. Are there any jobs that do not require a youth employment certificate?

No certificate is required for youth employed in agriculture, as a domestic (including baby sitters and companions), as a page in the North Carolina General Assembly or Office of the Governor, or in the distribution of newspapers to the consumer. However, a newspaper delivery person must be at least 12 years old. Youths who are 12 and 13 years of age may be employed outside of school hours for no more than three hours per day. In addition, a youth under age 18 may be a bona-fide volunteer in a medical, educational, religious or non-profit organization where an employer-employee relationship does not exist, without a youth employment certificate.

24. How may a youth obtain an employment certificate?

A youth may obtain a youth employment certificate from the county Department of Social Services in the county in which the youth intends to work. The certificate must be completed by the youth and signed by the youth, the employer and the parent or guardian. The youth must return the completed form to the Department of Social Services with a birth certificate or driver's license, which is used to verify the age of the youth. The youth must sign the certificate in the presence of the issuing officer. The employer's copy of the certificate must be given to the employer by the youth on the first day of employment.

25. Is a separate employment certificate required for each job a youth holds?

Yes, each certificate is applicable only for that specific employer.

26. Can a parent have the child's certificate revoked?

Parents may not have their child's certificate revoked if the certificate was issued correctly by the Department of Social Services.

27. What hours may youths work?

Youths age 14 and 15 may not work before 7 a.m. or after 7 p.m., except during the summer (when school is not in session), when they may work until 9 p.m. They may work no more than 18 hours per week in a school week, no more than eight hours per day on a non-school day, and no more than 40 hours per week in non-school weeks.

Youths age 16 and older have no restrictions on the hours they may work per day, but youths under age 18 who are enrolled in grade 12 or lower may not be employed between 11 p.m. and 5 a.m. on days followed by school days. This restriction does not apply to youths age 16 and 17 who provide the employer with written approval from the youth's parent or guardian and principal for the youth to work beyond the stated hours.

28. Are there any exceptions to the rules concerning what hours can be worked by 14- and 15-year-olds?

Work-hour rules are different if a youth is age 14 or 15 and:

- 1) has graduated from high school;
- 2) is subject to an order of the juvenile court prohibiting him/her from attending school;
- 3) has been expelled from school (which does not include a suspension for a limited time);

- 4) has a child to support and appropriate state officers, pursuant to state law, have waived school attendance and state youth employment standards; or
- 5) school is no longer in session for the youth.

Such a youth may work no more than eight hours per day and no more than 40 hours per week.

29. Are there minimum age requirements for employment?

Generally, 14- and 15-year-olds are permitted to work only in office, retail, food service and gasoline service station jobs. Sixteen- and 17-year-olds may work in any occupations other than a non-agricultural occupation declared hazardous or detrimental by state and federal laws.

30. Do any jobs require that the holder of the job be at least 18 years old?

Youths must be 18 or older to work in any occupation involving the following: manufacturing and storing explosives; motor-vehicle driving and outside helper (limited exemption for driving - state law only); coal mining; logging and sawmilling; power-driven woodworking machines; exposure to radioactive substances; power-driven hoisting apparatus; power-driven metal forming, punching and shearing machines; slaughtering; meat packing; power-driven bakery machines; power-driven paper-product machines; brick and tile manufacturing; power-driven saws; wrecking; demolition; shipbreaking operations; roofing; excavation; welding; processes where quartz or silicon dioxide or asbestos is present; work involving exposure to lead or benzol; spray-painting; or handling of unsterilized hides or animal or human hair.

31. Are breaks required for youths under age 18?

No youth under 16 years of age shall be employed for more than five consecutive hours without an interval of at least 30 minutes for rest. No breaks are required for youths 16 and 17 years of age.

32. Are youths under 18 years of age allowed to work at an establishment that has an on-premise ABC permit?

No employer who holds an ABC permit for the on-premise sale or consumption of alcoholic beverages, including any mixed beverages, shall employ a youth:

- 1) under 16 years of age on the premises for any purpose (except where a parent is sole owner of the establishment); or
- 2) under 18 years of age to prepare, serve, dispense or sell any alcoholic beverages.

33. Are there any rules about baby-sitting?

Even though baby-sitting is one of the more common jobs for teenagers and one with much responsibility, there are no regulations. There are some things a baby sitter should keep in mind:

- Do not answer ads for baby-sitting unless you can find out something about the people who placed the ad. You could find yourself in a very uncomfortable or dangerous situation.
- Write down the telephone number where the parents can be reached and the numbers of the doctor and a neighbor to be called in an emergency *before the parents leave*. Know how to call the police and the fire departments (911 is the emergency number), as well as the poison control center. Write these numbers down and place them near the telephone.
- Find out when the parents expect to return.
- Know the family's rules about bedtime, snacks, television, where the child is allowed to go, and any special problems the child may have.
- Know what a baby sitter's privileges are concerning snacks, watching television, using the telephone or having a friend visit.
- Be clear about rates. Baby sitters are performing a responsible service for the parents and should not hesitate to tell them what they expect to be paid. Most people will appreciate knowing rather than guessing.
- Watch the child ... that is the baby sitter's main job. Do not let anything interfere with the ability to keep the child safe and secure while the parents are away.

Many local Red Cross chapters and Cooperative Extension agencies offer baby-sitting programs for teens to learn more about the skills necessary to be a responsible baby sitter. The U.S. Government Printing Office has an excellent booklet, "The Pocket Guide to Baby-sitting," available for \$4.50 from the U.S. Government Printing Office, Washington, D.C. 20402. Ask for Stock Number 017-091-00236-3. This guide has many ideas for solving problems and caring for children.

34. Are youths required to pay Social Security?

Social Security is withheld from paychecks by employers and must be paid by all employees regardless of their age; employers contribute an equal amount.

35. What are the benefits of Social Security?

Paying Social Security makes the payer eligible to receive retirement or disability benefits from the government.

36. How may a youth obtain a Social Security card?

Applications for Social Security cards are available from local Social Security offices. The application, an original birth certificate, and one other form of identification must be presented to the Social Security office in order to be issued a card. For more information, contact the Social Security Administration toll-free 1-800-772-1213.

37. Are youths required to pay income taxes?

Depending on the amount of earnings, youths may be required to have federal and state income taxes withheld from their paychecks. If funds are withheld, a tax return must be filed. Yearly, after filing, a refund of the withheld taxes may be issued if the youths are entitled to a refund. Under certain circumstances, a youth may not be required to have income taxes withheld. Check with your employer to see if you qualify for an exemption.



Money

Managing money is quite a responsibility. Wise decisions, good judgment and careful planning are important in good money management. This section will provide some valuable information about checking and savings accounts, credit cards and bank loans.

38. May a person under age 18 open a savings or checking account?

Some banks allow persons under age 18 to open checking and savings accounts. However, some require the written permission of a parent or guardian for withdrawals.

39. What are interest rates?

Interest rates determine the amount of money that is paid either by a borrower or by a bank institution for the use of money. The rate of interest varies according to the type of account used. The interest rate is usually higher for long-term deposits than it is for a simple savings account. It is important to explore the options available before placing money into an account.

40. May someone under age 18 obtain a credit card?

In North Carolina, persons wishing to obtain a credit card must be at least 18 years old.

41. May a person under age 18 obtain a bank loan?

Generally, someone under age 18 may get a bank loan if he/she has an adult to co-sign and accept responsibility for the debt if the minor fails to satisfy it.

42. What do the abbreviations on paycheck stubs mean?

The abbreviations on paycheck stubs generally indicate where earnings have been deducted for various reasons. FICA and OASDI are deductions for Social Security. FWH indicates federal income tax withheld. The amount of money withheld under FWH depends on how much is earned and on how many dependents or deductions are claimed on the worker's W-4 form. North Carolina's income tax withholding is indicated by SWH. There may be other deductions depending on the employer and the type of job. These other deductions may be for savings, medical insurance, retirement or a variety of other reasons. It is important to understand the purpose of each deduction.

43. Who is legally financially responsible for youths under age 18?

In North Carolina, both parents are equally financially responsible for their children under 18. For this reason, parents have a right to their children's earnings unless the parents and the child agree otherwise.

44. May someone under age 18 enter into a valid contract?

Laws about contracts are designed to protect young people and to prevent them from assuming debts and obligations that they cannot meet. Generally, minors are not bound by any contracts they enter. This prevents most businesses from contracting with minors. However, sometimes businesses will enter into a contract with a minor if an adult co-signs to assume liability for the obligation if the minor fails to do so.



Transportation

A driver's license is not a right but a privilege that must be exercised with caution and maturity. It is important for youths to be aware of laws that pertain to the operation of all vehicles on public roadways. These laws exist to protect automobile operators, pedestrians, bicyclists, motorcycle operators and all others who frequent roads and highways.

45. How may a youth obtain or lose a driver's license?

In North Carolina, youths under age 18 must pass through the state's graduated driver licensing (GDL) system. GDL involves three progressively more responsible levels of licensure:

I. Limited Learner's Permit

A person who is 15 or older and has passed an approved driver education class may obtain a limited learner's permit. Under a limited learner's permit, a person:

- Must drive only while supervised by a parent, guardian or other person approved by the Division of Motor Vehicles.
- Must drive only from 5 a.m. to 9 p.m. during the first six months.
- Must maintain a clean driving record for six continuous months in order to progress to a limited provisional license.
- All persons riding with a limited learner's permit holder must wear seat belts.

II. Limited Provisional License

A person who has held a limited learner's permit for at least 12 months and maintained a clean driving record for six continuous months "graduates" to the next level and may obtain a limited provisional license. Under a limited provisional license, a person:

- May drive unsupervised from 5 a.m. to 9 p.m.
- May drive after 9 p.m. only while supervised, unless driving directly to or from work.
- Must maintain a clean driving record for six continuous months in order to progress to a full provisional license.
- All persons riding with a limited provisional license holder must wear seat belts.

III. Full Provisional License

A person who has held a limited provisional permit for at least six months and maintained a clean driving record for six continuous months "graduates" to the next level and will receive a full provisional license. Under a full provisional license, a person:

- May drive unsupervised at any time.
- All persons riding with a full provisional license holder must wear seat belts.

Ways a Youth's Driver's Permit or License May Be Suspended

Under the "Lose Control Lose Your License Law", a student's driver's permit or license will be suspended for one year whenever the student is given an expulsion/suspension or an assignment to an alternative educational setting for more than 10 consecutive days for one or more of the following reasons:

- The possession or sale of an alcoholic beverage or illegal controlled substance on school property.
- The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115-C-391(d1) or that could have resulted in that disciplinary action if the conduct occurred in a public school.
- The physical assault on a teacher or other school personnel on school property.

Students who are at least 14 years old or who are rising 8th graders on or after July 1, 2000 are subject to this law.

The “Dropout Prevention/Driver’s License Law” reflects an effort to motivate and encourage students to complete high school. A student’s driver’s permit or license will be revoked if the student is unable to maintain adequate academic progress or drops out of school

*The law is directed to **all** North Carolina students under the age of 18 who attend public school, federal school, home school, private school or community college and are eligible for a driving permit or license.*

46. Is a parent’s signature required for a minor to obtain a driver’s license?

Yes, North Carolina law requires that a parent or guardian sign a minor’s application for a driver’s license.

47. What identifying documents are required for a youth to obtain a driver’s license?

The applicant’s birth certificate or some other acceptable proof of identity and date of birth must be presented to the examiner. If a birth certificate is unavailable, the applicant must show the examiner two other documents of identification, with at least one form reflecting date of birth. A youth must also provide a certificate demonstrating successful completion of a driver education course.

48. Is any type of identification available for those not old enough to obtain a driver’s license or for those who are old enough but do not have a license?

The Division of Motor Vehicles issues a special card to any person age 11 or older who desires a form of identification. To obtain such a card, an applicant must present the same types of documents that are required to obtain a driver’s license.

49. May parents or guardians request the cancellation of their child’s driver’s license?

A parent may request the cancellation; however, this will be done only in order to require a re-examination for some special cause. A minor may choose to surrender his/her license by signing a voluntary surrender form available at the local driver’s license office.

50. Is wearing seat belts mandatory?

Yes. Everyone in a car driven by someone under 18 must wear a seat belt. Violators may be fined. In addition, violators will be required to wait longer to “graduate” to the next level of licensure.

51. At what age can a youth qualify for automobile insurance?

Emancipated youths between ages 16 and 18 may enter into contracts and can therefore obtain automobile insurance. Youths not emancipated must be included on their parents' insurance policy.

52. May a youth purchase a car or motorcycle?

In North Carolina, it is necessary to have insurance before purchasing a car or motorcycle. A youth who is insured and has the resources to purchase a car may make such a purchase but should be careful not to create a debt that he/she cannot pay off. There may be restrictions on a youth obtaining an automobile lease or a loan, such as requiring an adult to guarantee the debt.

53. Is a driver's license required to operate a motorcycle?

In North Carolina, a motorcycle license is required. To obtain that endorsement in addition to a driver's license, it is necessary to take a written and an off-street skill test for motorcycles.

54. Are there any special requirements for motorcycles?

In North Carolina, the driver and all passengers on a motorcycle must wear safety helmets. The motorcycle's headlight must always be on when the vehicle is in operation.

55. Is it lawful to operate a motorized bicycle or moped on roads and highways in North Carolina?

It is lawful to operate a motorized bicycle on public roads in North Carolina if the operator is at least 16 years old.

56. Are motorized bicycles required to be registered in North Carolina?

Motorized bicycles are governed by the same laws as regular bicycles. They are not required to be registered and the operator is not required to wear a safety helmet, but it is wise to wear one.

57. Are there any regulations for bicycles in North Carolina?

Bicycles and motorized bicycles are legal moving vehicles. After dark, they must have a white light on the front visible from 300 feet and red lights on the rear visible from 200 feet. Like automobile operators, bicycle operators must obey all traffic laws. For example, bicycle operators must drive on the right side of the road, stop at stop signs and red lights, and yield to pedestrians.



Health

Rights and responsibilities regarding health issues and youth are interesting as well as confusing. Youths are still responsible to their parents. When possible, youths should first turn to their parents concerning health issues. However, if that is not possible, this section may provide some guidance. In addition, youths may find it helpful to speak to their family physician, local health department staff, or school nurse, social worker or guidance counselor about health issues.

58. Where may a youth obtain medical treatment?

Medical services are available at private physicians' offices and local health departments. In addition, some areas have school-based or school-linked health centers where youths may obtain medical treatment.

59. May a licensed physician treat a youth without the consent of the youth's parents?

Yes, if the parent or guardian of a youth cannot be located or if delay for consent would endanger the life of the youth. Parental consent is not required for the prevention, diagnosis and treatment of sexually transmitted diseases, abuse of alcohol and other drugs, emotional disturbance or pregnancy. However, it may be wise for the doctor to inform parents of treatment, with permission of the youth, in order that they may assist in treatment and care. If emancipated, youths may provide the necessary consent for their own medical treatment.

60. What are STDs?

STD is an abbreviation for sexually transmitted disease. STDs are contagious and cause serious health problems. The most frequently occurring STDs are chlamydia, herpes and Human Papillomavirus (HPV). Some other sexually transmitted diseases are gonorrhea and syphilis.

Some venereal diseases have no outward symptoms and therefore may not be detected until permanent physical damage occurs. Others have very obvious and painful symptoms. Lesion-producing STDs such as syphilis and herpes can increase a person's risk for contracting HIV infection. Other STDs such as chlamydia and HPV can cause infertility. Most STDs are curable with the use of antibiotics such as penicillin. Exceptions are HIV, herpes and HPV; there is no cure for these infections.

The safest way to prevent STDs is to abstain from sexual activity. Youths who are sexually active take a chance of exposing themselves to STDs and causing permanent physical damage or death to themselves and others. Someone who is sexually active can reduce the risk of acquiring an STD by using a condom properly.

61. What is AIDS?

AIDS stands for Acquired Immune Deficiency Syndrome. AIDS is the end stage of a disease caused by Human Immunodeficiency Virus (HIV). HIV attacks the body's immune system, which protects you against diseases. HIV is transmitted when infected blood, semen or vaginal fluids get into a person's body.

The safest way to avoid getting HIV is not to have sex and not to shoot drugs and share needles. If someone is sexually active, he/she can reduce the risk of contracting HIV by using a condom. If someone is an intravenous drug user, he/she can reduce the risk of contracting HIV by not sharing needles and syringes. Infected women can pass HIV to their unborn babies.

You cannot tell by looking at people if they are infected with HIV. People can have HIV and look well, feel well, and stay healthy for years. Once a person gets infected with HIV, he/she is infected for life. At present, there is no cure for HIV or AIDS.

You *cannot* get HIV or AIDS from:

- shaking hands, hugging, sneezing or coughing;
- using toilet seats or swimming pools;
- being in the same classroom or sitting beside someone who is infected;
- sharing drinks, food, glasses, dishes, spoons or forks.

In other words, you cannot get HIV by being near someone who has HIV.

There is no test for AIDS, but there is a blood test for the HIV antibodies. The HIV antibody test will not tell you if you have AIDS, but it can tell you if you are carrying the antibodies to HIV. Your local health department offers free HIV testing and counseling. For more information, talk to your family physician, your local health department or the National AIDS Hotline at 1-800-342-AIDS.

62. What is birth control?

Birth control refers to methods used to prevent pregnancy. The best way to prevent pregnancy is to avoid sexual activity. If someone is sexually active, the risk of pregnancy can be reduced by the careful use of contraceptives. More information is available at community health departments or from private physicians.

63. If pregnant, where can a youth obtain counseling to discuss what alternatives are available?

A pregnant youth may go to a parent, a counselor with the local health department or social services department, or a minister to discuss her alternatives.

64. What is prenatal care?

Prenatal care is the professional medical care of a mother and her baby before birth. This care is extremely valuable, sometimes critical, to pregnant women and results in healthier babies.

65. What is postnatal care?

Postnatal care is the care of a mother and her baby after the baby is born. It allows medical professionals to check the health of the baby and treat any problems that may develop.

66. If a youth chooses to place her baby for adoption, when should that decision be made?

A decision to place a baby for adoption may be made at any time during a pregnancy. If this option is chosen, it should be accomplished as soon as possible after the baby is born. There are many public and private adoption agencies that will assist young mothers in the adoption process. Youths may look in the yellow pages under "adoption services" or contact the county Department of Social Services.

67. If a youth decides to keep her baby, what services are available to assist her?

The county Department of Social Services can advise those who need information about various programs available in their county or community.

68. Where should youths turn for help when they feel they cannot cope?

Youths may turn to their parents, minister, local mental health agency, or school principal, teacher, guidance counselor, or social worker. Sometimes it is a great help to the youth to talk with a responsible person who understands and may be able to shed some light on things in a way the youth never considered. Things that trouble youths often appear bigger than life and insurmountable, but they may get better if the youth will take the first step to get help by reaching out to caring, responsible adults.

69. What is sickle cell disease and sickle cell trait?

Sickle cell disease is an inherited blood disorder. It occurs when an individual inherits an abnormal gene for hemoglobin from each parent. With sickle cell disease, red blood cells lose their round, doughnut-shaped appearance and form a sickle shape. When the sickled cells attempt to travel through small blood vessels, they become stuck, and the vessels become blocked, causing painful episodes and complications from damage to vital organs.

Even though most teens know whether or not they have sickle cell disease, it is important to be tested for sickle cell trait. Sickle cell trait means a person has a single sickle cell gene. In other words, a person who has sickle cell trait is a “carrier” of the sickle cell gene, but they cannot later develop sickle cell disease. Usually persons with sickle cell trait are healthy and rarely have any health problems related to the trait. However, teens need to know whether they are carriers of the trait, particularly as they reach child-bearing age and plan marriage. When both parents have sickle cell trait, there is a 25 percent chance that the infant will have sickle cell disease. A simple blood test can determine if you are at risk. This test is available free of charge at every local health department in North Carolina.

70. Who is likely to have sickle cell disease?

Most people in the United States with this disease are of African ancestry. However, the disease is not limited to African-Americans. Persons of Mediterranean origin, Caribbean, South and Central American, Arab and East Indian ancestry may also be affected.

71. Is there a cure for sickle cell disease?

Presently, there is no widely available cure for sickle cell disease. However, several children who have received bone marrow transplants are now free of sickle cell disease. Treatment has advanced so that with proper medical management, individuals may lead productive lives. For more information, contact your local health department or the N.C. Sickle Cell Syndrome Program at (919) 715-3411.

72. How can I lose weight?

It is recommended that youths discuss any plans for weight loss with a health care provider, either a family physician or local health department professional. A person can lose weight by increasing physical activity and reducing caloric intake. Studies have shown that inactivity is frequently the cause of teenagers being overweight. Since the teenage years are still growth years, weight reduction diets should follow basic nutrition principles using the Food Guide Pyramid as a guide (bread and cereals; vegetables and fruits; milk and dairy products; meat, fish or poultry; limited amounts of fats).

To lose weight, eat less fat and get some exercise every day. You can reduce your fat intake by eating less fried, greasy foods and high-fat snacks, like chips and fries. Cutting down on sweets – candy, cookies, soft drinks and sweet tea – will also help. Three meals a day should be eaten, with emphasis on fruits, vegetables, low-fat meat and milk, and whole grain breads and cereals.

Crash diets should be avoided. A weight loss of one-half to one pound per week is healthy for teens.

73. What are fad or crash diets? Are they effective?

Fad diets are diets not based on sound nutrition principles and usually contain a gimmick to attract the public's attention. These diets frequently omit one or more groups of food. Calorie levels are dangerously low so that a large amount of weight can be lost in a short period. Fad diets may result in quick weight loss, but they are very unsafe and can cause serious illness. Because a person on such a diet does not learn to eat in such a way that he/she can maintain weight loss, weight is frequently gained back rapidly.

74. What about diet pills?

Diet pills can be extremely dangerous. Physicians generally do not prescribe them for children or teens. Even diet pills available in drug stores can be very harmful and should not be taken.

75. Where can you get help with a weight problem?

Doctors and health departments can provide consultation. There are many organizations that have been formed to help people lose weight. Consult your doctor or local health department before joining one of these groups.

76. What is anorexia?

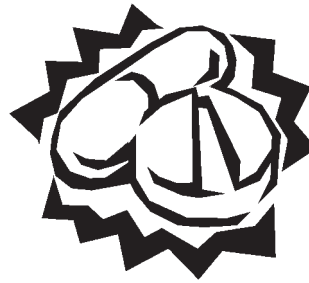
Anorexia nervosa is an eating disorder characterized by self-starvation and obsessive exercising. It is generally found in adolescent girls but can also be in older women or in men. Anorexia nervosa is a psychological condition with severe physical results. There are life-threatening complications that arise from self-starvation. Both the psychological and physical aspects must be dealt with through treatment. The anorexic person will seldom realize her condition or need for help.

77. What is bulimia?

Bulimia, like anorexia, is an eating disorder. With bulimia, however, the individual may eat great quantities of food (called “bingeing”), then empty himself/herself through vomiting or laxatives (called purging). Bulimia is a dangerous cycle and may also have life-threatening health complications.

78. Is there a cure for anorexia and bulimia?

Yes, but medical help should be sought.



Alcohol, Tobacco and Other Drugs

Violation of the laws that prohibit use of alcohol, tobacco and other drugs is very serious. Use and abuse of these substances can cause irreparable physical and mental damage not only to the offender but also to others who suffer because of the actions of the user. There can also be a great monetary cost to the offender, his/her family and the taxpayer for services, treatment or correctional facilities.

79. What is a drug?

A drug is a chemical which, once inside the body, reacts and causes emotional and/or physical effects.

80. What are the different types of drugs?

There are several types of drugs, including: stimulants, depressants, opiates, hallucinogens and PCP, marijuana and inhalants. For example, alcohol is a depressant and nicotine is a stimulant.

81. What is substance abuse?

Substance abuse occurs when substances are used in ways that significantly increase their hazard potential regardless of whether the drug is used legally, therapeutically or as prescribed.

82. What is chemical dependency?

Chemical dependency is an addiction of the mind and body to alcohol and other drugs. It is a disease.

83. What is the North Carolina Drug Paraphernalia Law?

The North Carolina Drug Paraphernalia Law prohibits the manufacture, delivery, sale, possession and use of drug paraphernalia. According to this law, paraphernalia is equipment, product or material of any kind intended or designed to facilitate violations of the Controlled Substance Act, which prohibits the consumption of certain substances by humans.

84. What is the No. 1 substance-abuse problem in North Carolina?

Alcoholism is the No. 1 substance abuse problem in North Carolina. Alcohol is classified as a depressant and is addictive. Those who drink to escape problems and pressures of everyday life are more likely to become alcoholics, as are individuals who grow up in families where substance abuse is a problem.

85. At what age may alcohol be legally purchased in North Carolina?

In North Carolina, a person must be at least 21 years old to purchase alcoholic beverages of any type. It is unlawful for those under 21 to: (a) purchase or attempt to purchase alcoholic beverages; (b) aid or abet someone to illegally purchase alcoholic beverages; or (c) lend or borrow a driver's license or other identification to purchase or attempt to purchase alcoholic beverages.

The law requires a one-year driver's license revocation upon conviction for any of these offenses.

86. Is it illegal to drive while drinking or while under the influence of alcohol or other drugs?

Even if a person is old enough to legally purchase alcohol, it is illegal to drive while drinking or while under the influence of either alcohol or other drugs. In addition to the obvious danger to themselves, intoxicated drivers risk endangering the lives of passengers, pedestrians and other drivers.

A new law now in effect makes it illegal for any passengers to have an open container of any type of alcohol in a motor vehicle.

87. What is the penalty for driving while impaired?

If a driver who is less than 21 years old is convicted for an offense of driving with **any** amount of alcohol or drugs in his/her body, his/her license will be revoked for one year. The offender may also be required to attend some form of counseling or drug education and to perform community service. Under state law, a person who gets behind the wheel with a blood-alcohol level of 0.08 percent or more is considered to be driving while impaired. North Carolina imposes very strict penalties on those convicted of driving while impaired. The state will revoke the driver's license of the offender and may impose a fine or imprisonment.

88. Is nicotine a drug?

Yes, nicotine is a type of drug known as a stimulant. Nicotine is addictive. Nicotine is most commonly found in cigarettes, chewing tobacco and snuff. Nicotine use can result in serious health problems, such as heart disease, stroke, high blood pressure and cancer.

89. What is crack/cocaine?

Crack is a pure form of cocaine (freebase) and can be smoked. Crack is also known as super white, white cloud and Cloud 9 on the streets. Cocaine also comes in a white, powdered form, which is snorted through the nose. Crack has become increasingly popular because it is less expensive than powdered cocaine and is more efficiently inhaled into the lungs. It is absorbed quickly and rapidly produces a high. Both types of cocaine are highly addictive and can cause life-threatening physical and psychological problems.

Dependence on cocaine can cause a range of problems, including excessive spending and borrowing money, abuse of alcohol and other drugs, poor health, crime, emotional isolation, and family anguish.

90. Where may help for a drug problem be obtained?

Intervention and treatment services are available through school-based assistance programs and in every community mental health, developmental disabilities and substance abuse services agency in North Carolina. For adolescents, outpatient, inpatient hospital and residential programs are available and require no parental consent for treatment. If you need more information on alcohol, tobacco and other drugs, call 1-800-487-4890. To find out about treatment options in your area or to talk with someone about a substance abuse problem, call 1-800-662-HELP.



Abuse & Neglect

This section deals with neglectful and abusive situations often faced by youth. If placed in such a situation, youths are advised to turn to a responsible, trustworthy person such as a parent, minister, school counselor, social worker or teacher for help.

91. What is child abuse or child sexual abuse?

Child abuse is the serious physical injury or serious emotional damage of a child. An abused child is any child under 18 years of age whose parent or guardian, custodian or caretaker:

- a) seriously injures him physically or allows him to be seriously physically injured by other than accidental means; or
- b) creates a substantial risk of serious physical injury to the child by other than accidental means; or
- c) uses or allows to be used upon the child cruel or grossly inappropriate procedures or devices to change the child's behavior; or
- d) commits, permits or encourages the commission of the following acts by, with or upon the juvenile: first-degree rape, first-degree sexual offense; second-degree sexual offense; sexual act by a custodian; crime against nature; incest; preparation of obscene photographs, slides or motion pictures of the juvenile; employing or permitting the juvenile to assist

in a violation of the obscenity laws; dissemination of obscene material to the juvenile; displaying or disseminating material harmful to the juvenile; first- and second-degree sexual exploitation of the juvenile; promoting the prostitution of the juvenile; and taking indecent liberties with the juvenile, *regardless of the age of the parties*; or

e) creates or allows to be created serious emotional damage to the child; or

f) encourages, directs or approves of the juvenile's commission of delinquent acts.

92. What is child neglect?

Neglect of a child occurs when the child's physical or emotional needs are not met. A neglected child is any child under 18 years of age who:

a) does not receive proper care, supervision or discipline from his/her parent, guardian, custodian or caretaker; or

b) has been abandoned; or

c) is not provided necessary medical care; or

d) is not provided necessary remedial care; or

e) lives in an environment that is injurious to the child's welfare; or

f) has been placed for care or adoption in violation of the law.

93. What is dependency?

A juvenile is dependent if he/she needs assistance or placement because the child has no parent, guardian or custodian responsible for his/her care or supervision; or the child's parent, guardian or custodian is not able to provide for the child's care or supervision and there is absence of an appropriate alternative child-care arrangement.

94. What should a youth do if he/she is being abused or neglected or is dependent?

Talk to a caring adult, such as a trusted relative, school teacher, counselor or social worker. If the adult does not believe the youth or does not offer to help, the youth should talk to another responsible adult. Keep telling people until someone believes the events are occurring and offers to help. A youth may also call the county Department of Social Services or 911 to report abuse. Child Help USA's national child abuse hotline may be contacted 24 hours a day at 1-800-4-A-CHILD.

95. Who can report abuse or neglect?

North Carolina law requires that every person or institution that suspects that a child is abused, neglected or dependent must report the case to the county social services department.

96. What happens if parents are reported for abuse or neglect?

The county social services department is required to promptly and thoroughly investigate the report to determine whether there is abuse or neglect and to determine the level of risk to the child. After those determinations are reached, a decision is made as to whether immediate removal of the child from the home is necessary for his/her protection. If immediate removal is not necessary, but abuse, neglect or dependency has occurred, protective services will be provided. If abuse, neglect or dependency is substantiated, the Department of Social Services may choose to file a juvenile petition in District Court, in which case a judge will decide what course of action is best for the child. If a child is being abused by someone other than the parents without the parents' knowledge, the parents will not be held responsible for the abuse.

97. What are protective services?

Protective services are provided to a child and the family with two major goals in mind: (1) to ensure the safety and well-being of the child, and (2) to preserve and stabilize the family. There are treatment services available to help parents become more responsible, to prevent abuse or neglect, to improve the quality of child care, and to preserve family life. If the parents refuse to accept the protective services or if immediate removal of the child from the home seems necessary, the social services department must petition the District Court to request intervention and to be able to remove the child physically from the home. In emergency cases, a protective services worker may assume immediate, temporary custody of the child prior to the filing of a petition.

98. What happens if a juvenile petition is filed alleging abuse, neglect or dependency?

If a juvenile petition is filed, the case goes to court for a hearing. The social services department will seek a court order to protect the child. There are many possible outcomes of these hearings depending on what the court determines is best for the particular child. All efforts are made to keep the child in his/her home, if that is what is in the best interest of the child. The safety of the child is the primary concern.

99. What is incest?

Incest occurs when a person has sexual intercourse with a family member whom that person is forbidden by law to marry. In North Carolina, incest is sexual intercourse between parent and child, stepchild or legally adopted child; grandparent and grandchild; uncle and niece or nephew and aunt.

100. What does “taking indecent liberties with children” mean?

It is the commission of sexual acts by anyone 16 years or older with anyone who is under the age of 16 and at least five years younger than the offender.

101. What is rape?

Rape is committed when a person forces another person to engage in sexual intercourse. First-degree rape occurs if one of the following is true:

- 1) a dangerous or deadly weapon is used;
- 2) serious personal injury is done;
- 3) one or more other persons aid and abet the person committing the offense;
- 4) the victim is 12 years old or younger and the defendant is four years older than the victim.

A person commits second-degree rape when he/she engages in vaginal intercourse with another person by force and against the will of the other person. First-degree rape is punishable by life imprisonment while second-degree rape is punishable by as much as 40 years imprisonment.

102. What is statutory rape?

Under North Carolina law, a person commits statutory rape when engaging in vaginal intercourse or other sex acts with a person who is 13, 14 or 15, and the defendant is more than four years older than the victim, even if the younger person consents. Consent is not an issue in statutory rape. The key element is the age of the victim and the difference between the age of the victim and the perpetrator.

In North Carolina the age of consent is the age at which it is felt that a young person is old enough to understand the consequences of his or her actions and can freely agree to sexual intercourse or another sex act. Current state law says that age is 16.

103. What is date rape?

Date rape is the same as rape, except in the case of date rape the victim knows the offender. The victim might know the offender by casual acquaintance or very well. Sexual intercourse that occurs by force or against the will of the victim, even if the victim knows the offender, is rape. It is also rape if someone has sexual intercourse with a person who is not able to consent to sex (for example, if the victim is unconscious or incoherent).

104. What is domestic violence or relationship abuse?

Domestic violence and relationship abuse occur when one or both people who are married, living together, dating or involved in a relationship engage in hitting, threatening and/or otherwise assaulting each other. There are laws that prohibit people from hurting each other regardless of their relationship.

105. What should be done when a person is raped?

If you or a friend needs help due to a rape, sexual assault or sexual abuse, talk to a trusted adult, such as a parent, friend or relative, *as soon as you possibly can*. Many areas also have a local rape crisis shelter, domestic violence shelter or hotline, which may be listed inside the front cover of the phone book. You should contact the police or sheriff's department, or your physician or local hospital. You may also simply dial 911. If possible, do not change anything about your physical condition. For example, do not take a bath or shower until you have talked to law enforcement officers. They will likely have you examined by a physician.

106. Where should I go to get help in dealing with rape, domestic violence or relationship abuse?

As with other forms of abuse, talk to a trusted adult who can help you. If your community has a local rape crisis shelter, domestic violence shelter, or abuse hotline, it can also help. You have the right to live without being abused and hurt by others. Make sure you get the help you need. The Rape, Abuse, Incest National Network (RAINN) has a 24-hour counseling and crisis line, which you may reach by calling 1-800-656-4673. You may obtain information about sexual assault by calling the N.C. Coalition Against Sexual Assault at 1-888-737-2272. There is also a nationwide toll-free domestic violence information and referral service at 1-800-799-7233.



Juvenile Justice

The juvenile justice system is separate and different from the adult criminal justice system. Adults are held fully responsible for their behavior. They can be arrested, charged with a specific crime, tried before a jury of their peers, found guilty or not guilty, and, if found guilty, sentenced according to the seriousness of the crime and the interest of the state.

Young people are treated differently, having many, but not all, the rights of adults. Juveniles are not arrested, but rather are taken into temporary custody. Juveniles have no right to a trial by jury but instead are subject to a hearing before a judge, at which time the juvenile may be adjudicated as undisciplined or delinquent.

The judge's decision on the disposition (or sentence) is based on meeting the juvenile's needs and interests *and* the interests of the state. The court attempts to do what is best for the juvenile to help make sure he/she is not brought into the juvenile justice system again or the adult system later.

107. Who is a juvenile?

The North Carolina Juvenile Code defines a ***juvenile*** as any person who has not reached age 18 and is not married, emancipated or a member of the armed services. However, a person may be found delinquent only for con-

duct that occurs before the age of 16, and a child may not be found either undisciplined or delinquent for conduct that occurs before the age of 6.

108. What is an undisciplined juvenile?

An *undisciplined juvenile* is a youth under age 18 (and at least 6) who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; who is regularly found in places where it is unlawful for a juvenile to be; or who has run away from home for a period of more than 24 hours. A juvenile who is unlawfully absent from school, while at least 6 but not yet 16, also is an undisciplined juvenile.

109. What is a delinquent juvenile?

The North Carolina Juvenile Code defines a *delinquent juvenile* as any juvenile who, while at least 6 years of age but not yet 16, commits an offense that would be a crime under state law or under an ordinance of local government, including violation of the motor vehicle laws, if committed by an adult. A young person's case is handled like the case of an adult when a youth commits a crime while age 16 or 17, or older, or while the youth is married, emancipated, or in the armed services.

110. What is the court authority for juveniles in North Carolina?

In North Carolina, juvenile cases are handled in the state district courts. Generally, that court has jurisdiction (authority) over young people who fit the legal definitions of delinquent or undisciplined juvenile – those who engage in undisciplined behavior while at least 6 but not yet 18, and those who engage in delinquent behavior while at least 6 but not yet 16. The court may *keep* jurisdiction over any undisciplined or delinquent juvenile until the juvenile reaches 18. When a juvenile is sent to training school for one of the most serious offenses, the juvenile may be kept in training school until his or her 19th birthday. In the very most serious violent offenses, a juvenile may be kept in training school until he or she is 21. A judge may send a juvenile to training school only if the juvenile is delinquent and is at least ten years old. (Other conditions apply as well.) The court also has jurisdiction over young people under age 18 who need protection because they are abused, neglected, or dependent.

111. What happens if a youth is found to be undisciplined or delinquent?

After a judge finds that a youth is undisciplined or delinquent, the judge orders a *disposition* (similar to a sentence in the adult system). For delinquent juveniles the judge has many options. The judge may place a delinquent juvenile on probation, order the juvenile to pay a fine, pay money to the victim, perform community service, prohibit the juvenile from being li-

censed to drive a motor vehicle, and/or order the juvenile to spend time in a group home, detention facility, or training school. Which disposition the judge orders will depend on:

- 1) the seriousness of the offense the juvenile committed
- 2) the juvenile's prior record
- 3) the juvenile's needs
- 4) the protection of the community

An undisciplined juvenile cannot be placed on probation or sent to training school, but can be placed under the protective supervision of a court counselor. An undisciplined juvenile can be sent to a detention facility for short periods of time if the juvenile violates conditions of protective supervision.

112. What is probation?

Probation requires a delinquent juvenile to abide by conditions set by the court and to cooperate with supervision by a court counselor. If the juvenile violates the conditions of probation the juvenile may be returned to court, and the judge may order a different disposition, such as detention or training school.

113. What is protective supervision?

Protective supervision is similar to probation, but is only for undisciplined juveniles. A court counselor supervises the juvenile's compliance with the conditions set by the court and tries to offer appropriate services to the juvenile and the juvenile's family. If the juvenile violates the conditions of protective supervision, the juvenile may be found in contempt and placed in a detention facility for a short period.

114. What is the hearing procedure in juvenile court?

Juvenile hearings occur in two steps. In the first step, the *adjudication*, the court is concerned with the facts of the case and whether the juvenile actually committed the offense. In the second step, the *disposition*, the court determines which disposition best meets the needs of the juvenile and the interests of the state.

115. How is an individual brought into juvenile court?

A complaint is made to the intake counselor of the court who evaluates the case and determines if it should go to court. If so determined, the counselor approves the complaint. The juvenile is notified that a petition has been filed when a summons to appear in court and a copy of the juvenile petition are served on the juvenile and his/her parent(s) or legal guardian(s).

116. Specifically, what is involved after a complaint concerning a juvenile is received?

The intake counselor first makes a preliminary inquiry to determine whether the juvenile is within the jurisdiction of the court as undisciplined or delinquent. The law requires that the intake process include the following, if practical:

- 1) interviews with the complainant or victim,
- 2) interviews with the juvenile and his/her parents, and
- 3) interviews with others having information about the juvenile and his/her family.

The counselor has 15 days (which can be extended to 30 days) to determine whether the complaint should be filed as a petition and for the petition to actually be filed if that is the decision. In the most serious delinquency cases, the intake counselor must approve the filing of a petition if there are grounds to believe the juvenile committed the offense. In all other delinquency cases and in all undisciplined cases, the intake counselor may *divert* the case - that is, refer the juvenile and the juvenile's family to appropriate resources in the community instead of taking the case to court. The intake counselor, the juvenile, and the juvenile's family may enter into a *diversion contract* that sets out what each of them will do. If the juvenile does not follow through with the agreement, the intake counselor can still take the case to court any time within six months.

117. May a youth be arrested?

The term arrest is not used in reference to juveniles. However, under the following circumstances a juvenile may be taken into temporary custody for up to 12 hours (or longer if on a weekend or legal holiday) without a court order:

- 1) by a law enforcement officer if grounds exist for the arrest of an adult under identical circumstances;
- 2) by a law enforcement officer or court counselor if there are reasonable grounds to believe that the youth is an undisciplined juvenile under state law;
- 3) by a law enforcement officer, court counselor or Department of Juvenile Justice and Delinquency Prevention worker if reasonable grounds exist to believe that the youth has run away from a training school or detention facility; or
- 4) by a law enforcement officer or Department of Social Services worker if there are reasonable grounds to believe that the youth is abused, neglected or dependent and would be injured or could not be taken into custody if time were taken to obtain a court order.

118. May the youth be released on bail after being taken into custody?

Juveniles have no constitutional right to be released on bail after being taken into custody. When taken into temporary custody, the custodial officer or official may decide to release the juvenile to a parent, legal guardian or family member; or the officer or official may request that a judge order the juvenile to be in secure or non-secure custody.

119. What is the difference between secure and non-secure custody?

Secure custody is placement in a detention facility and is used mainly for delinquent and for some undisciplined juveniles. Non-secure custody is placement in a foster home or comparable environment and is used for some undisciplined juveniles as well as abused, neglected or dependent juveniles.

120. When is a juvenile held in a detention facility?

A detention facility is appropriate only if the juvenile is alleged to be delinquent or undisciplined and meets the criteria for secure custody. Whether or not a juvenile will be held in a detention facility depends on the circumstances of the case and whether there are grounds to detain the juvenile to protect the community or secure the juvenile's presence in court.

121. How long may a juvenile be held in custody?

A juvenile who is alleged to be delinquent may be held in secure custody for no more than five calendar days or non-secure for no more than seven calendar days without a court hearing before a judge. A juvenile who is alleged to be undisciplined may be held in secure custody for no more than 24 hours.

122. Does a youth have a trial like an adult?

Youths have juvenile *hearings* that are similar to adult trials. If the juvenile is subject to loss of liberty by placement in training school, the juvenile is given certain rights by the United States Supreme Court. These rights include written notice of the alleged offense, a court-appointed attorney, the right to remain silent, and the right to confront and cross-examine any witness against the juvenile. If the offense charged is a crime, it must be proved by the same standard of proof — beyond a reasonable doubt — that is applicable in criminal trials.

123. May a juvenile be represented by a lawyer?

In delinquency cases a juvenile must be represented by a lawyer. In fact, if a juvenile is alleged delinquent for committing a crime, the juvenile is not

permitted to give up or do without his/her attorney, according to the North Carolina Juvenile Code.

Ordinarily, an undisciplined juvenile does not have a right to a court-appointed lawyer. If an undisciplined juvenile is alleged to be in contempt for violating the conditions of protective supervision, however, the court must appoint a lawyer for the juvenile. This is because the juvenile may be sent to detention if the court finds the juvenile in contempt.

In abuse or neglect cases, the court is required to appoint a guardian ad litem who may or may not be an attorney to act as a representative of the juvenile.

124. Is a juvenile permitted to have witnesses testify on his behalf?

Juveniles may have witnesses testify on their behalf. This is handled by the attorney representing the juvenile.

125. Does a juvenile have a right to a jury trial?

Juveniles have no constitutional right to a jury trial in juvenile court, according to the United States Supreme Court. The North Carolina Juvenile Code does not provide for jury trials in any juvenile proceeding.

126. When are juveniles brought into adult court?

A juvenile 13, 14 or 15 years of age who commits a felony may be transferred to Superior Court for trial as an adult. A District Court judge, after a finding of probable cause under juvenile procedures in District Court, decides whether to keep the matter in District Court or to transfer the case to the adult Superior Court. If the case is transferred to adult court, the juvenile has all of the constitutional rights of an adult and may be sent to prison if convicted. In addition, the juvenile no longer has any protections of confidentiality.

127. May anyone attend a juvenile court hearing?

The judge has discretion in determining whether the hearing or any part of the hearing is open or closed to the public. If the juvenile requests the hearing be open, the judge must allow it to be open. Generally, the media is not allowed to publicize the names or take photographs of youths who are in juvenile court.

128. May a juvenile be detained in an adult jail?

Usually, a juvenile may not be detained in an adult jail. However, a juvenile who has allegedly committed an offense that would be a Class A, B1,

B2, C, D or E felony if committed by an adult may be detained in secure custody in a **holdover facility** for up to 72 hours, if the court determines that no acceptable alternative placement is available and the protection of the public requires the juvenile be housed in a holdover facility. A hold-over facility is a place in a jail which has been approved by the Department of Health and Human Services as meeting state standards for detention and providing close supervision where the juvenile cannot converse with, see, or be seen by the adult population.

129. Once adjudicated delinquent, how is a juvenile's case handled by the court?

After an adjudication of delinquency, the court conducts a dispositional hearing at which the judge must consider reports of social, medical, psychological and educational information about the juvenile to determine which of the authorized dispositions are appropriate. After adjudication, the reports are made available to the judge and to the juvenile to allow the juvenile to present evidence as to which disposition is preferable.

The various dispositional options [see question no. 111] are organized into 3 levels. Level 1 (community dispositions) includes probation, community service, and a variety of other options. Level 2 (intermediate dispositions) includes intensive probation, more hours of community service, and a number of other options that are more severe than those in Level 1. Level 3 has only one disposition – training school. A chart in the Juvenile Code tells the judge which level or levels the judge may choose from in selecting a disposition in a particular case, based on (1) the seriousness of the offense the juvenile committed and (2) the number and type of offenses, if any, the juvenile has committed previously. If the chart tells the judge that only Level 1 options are available, the judge then considers the juvenile's needs in order to decide exactly which Level 1 to order. If the chart tells the judge that only Level 3 is appropriate, the judge must commit the juvenile to training school unless the judge finds that the juvenile has extraordinary needs that require some other disposition.

130. What happens if a juvenile admits committing the unlawful act with which/she is charged?

If a juvenile desires to admit to an offense, the judge must have a conference with the juvenile to inform the youth of his/her right to remain silent, to deny charges and to confront any opposing witnesses. The judge must determine if the juvenile understands the charges and whether he/she is satisfied with his/her attorney. The judge must also inform the juvenile of the most severe disposition that is applicable to the situation. If the judge determines the juvenile is aware of his/her actions and consequences and is acting voluntarily, the judge will accept the admission and a dispositional hearing will be held.

131. What are the different kinds of delinquent acts?

A delinquent act is the same thing as a crime. It is a criminal act committed by a young person under the age of 16. Crimes are divided into two groups- misdemeanors and felonies. Misdemeanors, the less serious crimes, are divided into four classes (A1, 1, 2, and 3) according to their seriousness. Felonies, the more serious crimes, are also divided into classes (A through I), according to their seriousness. These categories are used in the juvenile system too. For example, the category of the offense a juvenile commits can determine whether the juvenile will be photographed and fingerprinted, how long the juvenile can be kept in training school, and whether the juvenile's record can be expunged. The Juvenile Code also has its own categories of offenses, which the judge must use in determining which options are available at disposition. These categories are Violent (Class A through E felonies), Serious (Class F through I felonies and Class A1 misdemeanors), and Minor (Class 1, 2, and 3 misdemeanors).

132. If a juvenile commits a crime, does the youth automatically go to court?

In North Carolina, the Juvenile Code contains two types of offenses: divertible and non-divertible offenses. A juvenile charged with any misdemeanor or any undisciplined child may be diverted from the justice system to an appropriate community resource at the discretion of the intake counselor. A juvenile charged with a felony may also be diverted from the juvenile justice system unless the offense is specifically classified as non-divertible. Non-divertible offenses include murder, rape, arson, any felony drug offense, first-degree burglary, crimes against nature, and any felony that involved willful infliction of serious bodily injury or was committed with a deadly weapon. If the intake counselor finds reasonable grounds to believe the juvenile has committed a non-divertible offense, he/she must authorize the complaint to be filed as a petition.

133. What is expunction of records?

Expunction is the destruction of juvenile legal records. There are three basic types of juvenile records: (1) law-enforcement records; (2) legal records, or juvenile file, kept at the courthouse by the clerk of Superior Court; and (3) social records, kept in the files of the chief court counselor (and sometimes training schools, Department of Social Services, or other agencies). When a person files a petition for expunction of records, even if the expunction is granted, only the law-enforcement and legal records will be destroyed. *Social records can not be expunged.* (Social records are destroyed according to a schedule set by the agency that keeps the records.)

A person might seek to have juvenile records expunged if, when the person was a juvenile, a petition was filed alleging the person to be delinquent or undisciplined and

- 1) the court dismissed the petition without finding that the juvenile was delinquent or undisciplined, or
- 2) the court found the person to be an undisciplined juvenile, or
- 3) the court found the person to be a delinquent juvenile for committing an offense that was *not* a Class A, B1, B2, C, D, or E felony

*Records that a person was adjudicated delinquent for one of the most serious offenses – any offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult – may **not** be expunged.* A petition seeking expungement must be filed in the same court where the original juvenile petition was filed.

The procedures and requirements for expungement are somewhat different for the three categories listed above. The chart below outlines how the procedures for request for expunction differ for the three groups.

Disposition of Juvenile Case	Age at which person may seek expunction	Conditions
1. Petition Dismissed	16 Delinquency 18 Undisciplined	N/A
2. Adjudicated <i>undisciplined</i>	18 or older	Petitioner must provide affidavits verifying good behavior, character and reputation.
3. Adjudicated <i>delinquent</i>	18 or older <i>and</i> released from juvenile court jurisdiction for at least 18 months.	Petitioner must provide affidavits verifying good behavior, character and reputation, <i>and</i> Petitioner must be free of any subsequent delinquency adjudications or criminal violations, <i>and</i> may not have been adjudicated delinquent for a Class A, B1, B2, C, D or E felony.

After the petition is filed, a judge decides whether to grant expunction of the records. This process may or may not involve a hearing, depending on whether the juvenile was adjudicated and whether or not attorneys file objections. If the judge decides expunction is warranted, he/she will order it. The clerk of the Superior Court must then notify all law enforcement agencies to destroy all records of the juvenile's adjudication. The clerk must forward a certified copy of the order to the sheriff, chief of police or other law enforcement agency and then notify the juvenile that his/her records have been destroyed.

When a person's juvenile record is expunged, neither that person nor that person's parents can be found guilty of perjury or of giving a false statement if, in response to any inquiry, they fail to report or acknowledge the record that was expunged. There is one exception. If the person testifies in a case in juvenile court, the person may be required to testify about whether he or she was ever adjudicated delinquent.



Parental Rights & Responsibilities

Teenagers have a variety of rights and responsibilities, but it is important to know that parents have rights and responsibilities for their minor children. This section attempts to identify what parents must provide for their children and what services are available for families who need assistance. As a parent, you will be held responsible for your children.

134. What are parents legally required to provide for their children?

Parents must provide their children with necessities of life: food, clothes, shelter, medical care, education and protection.

- **Food and Clothing.** Parents must give their children enough nutritious food to keep them healthy and provide appropriate and adequate clothing.
- **Shelter.** Parents must provide their children with a place to live and cannot force their child to leave the family home while the child is a minor. The decision as to where the family will reside is made by the parent providing the home.

- **Medical Care.** Basic medical care as required by law must be provided by parents to their children. Parents must also provide care needed to treat serious conditions their children may have.
- **Education.** Parents are responsible for seeing that their children attend school as required by North Carolina law. They may select, within guidelines, which school their child will attend. Parents cannot prevent their children from attending school or allow their child to be truant.
- **Protection.** Parents are responsible for keeping their children free from harm imposed by others or by the child himself. If parents fail to protect their children, they can be charged with child neglect.

135. Does a child's right to support from his parents include the right to receive a college education?

A parent is not required to provide his child with higher education. As there is no requirement, the government attempts to make student loans accessible to pay for some of the expenses of a higher education.

136. What is foster care?

Foster care is a temporary placement for those children who cannot live with their biological or birth parents, guardians, custodians or caretakers. Children are placed in foster care while awaiting permanent foster placement, adoption or the return to their home.

137. What is adoption?

Adoption is a permanent placement of a child under age 18 in a home other than that of his/her birth parents. Once adoption is complete, the birth parents have waived their rights to the child, and the adoptive parents have assumed parental rights.

138. What rights do parents have in regard to their children?

Parents generally have the right to name, to exercise custody over, to receive earnings of, to discipline, to consent or withhold consent to the child's desire to marry or obtain a driver's license, to determine religious training and education, and to overall style of life.

139. Who is responsible for a child whose parents divorce?

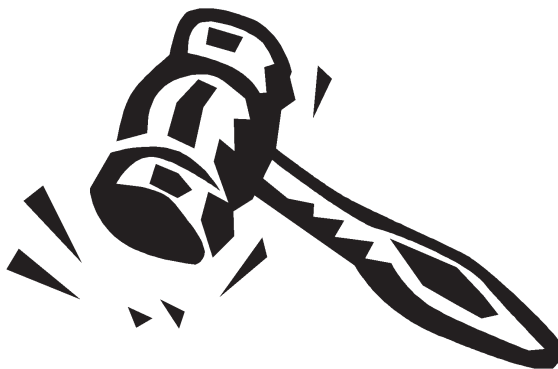
When a married couple becomes divorced, they share the *legal* responsibility for their children no matter which parent has custody.

140. When parents divorce, with which one will the children live?

If the parents cannot decide, the court will decide through the process of a hearing. The court may consider the child's wishes but will consider other factors as well to determine what is in the child's best interest. Generally, to change a court's decision, another hearing is necessary. Hearings are granted only when there has been a "substantial change in circumstances" justifying another hearing.

141. What is family counseling?

Family counseling is a service to provide assistance from a person outside of a family to help solve problems within that family. The purpose of family counseling is to help family members live and work together. If you would like to discuss the possibility of your family going to family counseling, talk with your parent(s), a school guidance counselor or social worker, or a counselor at the area mental health center.



Emancipation & Marriage

Everyone under the age of 18 is considered a juvenile under the law except for youths who become emancipated. Juvenile status is designed to protect young people from experiences and circumstances with which they are unfamiliar and which could be harmful. Juveniles' rights are different from those of adults.

142. What is emancipation?

In North Carolina, emancipation is a legal proceeding whereby minors aged 16 or 17 are authorized to act and be treated as adults.

143. How can someone become emancipated?

To become emancipated, a juvenile must petition the District Court for an order of emancipation. The parent or guardian of a juvenile cannot file for emancipation. To file for the order, the petitioner provides a statement giving full name, birth date, city or county and state of birth, the name and address of the legal guardian, the reasons emancipation is desired, and a

plan showing how the youth intends to provide for himself/herself. The petitioner must have resided in the same county in North Carolina or on a federal territory within North Carolina for the six months preceding the filing of the petition. The petition must be accompanied with a certified copy of the juvenile's birth certificate. After notice to the juvenile's parent or legal guardian, there is a hearing at which time the judge will determine if it is in the juvenile's best interest to be emancipated. If the judge so determines, the court will issue a decree of emancipation.

144. To determine if emancipation is in a juvenile's best interest, what factors are considered?

The court considers the juvenile's:

- 1) ability to function as an adult;
- 2) need to contract as an adult or to marry;
- 3) employment status and the stability of living arrangements; and
- 4) rejection of parental supervision and support and the quality of that supervision and support.

The court also considers the extent of family discord that might threaten reconciliation with the family, the quality of parental supervision or support, and the parent's need for the juvenile's earnings.

145. What are the legal effects of emancipation?

Once emancipated, the juvenile petitioner has the rights and responsibilities of an adult. He/she can contract, convey property, bring a lawsuit or be sued, and transact business. The petitioner's parents or guardians are no longer legally responsible to care for their child and have no further rights regarding the youth except a right to inheritance upon the child's death if no will is left by the child that indicates otherwise. A decree of emancipation cannot be revoked; the effects are permanent. It is best that anyone seeking emancipation consult a lawyer to further discuss the process and its ramifications.

146. What circumstances result in automatic emancipation?

Marriage or enlistment in the armed services of the United States automatically causes emancipation; however, parental consent is necessary for enlistment or marriage when the parties are under age 18.

147. What is required to obtain a marriage license?

Neither a physical nor a blood test is necessary to obtain a marriage license at this time.

148. Where may a prospective applicant obtain a marriage license?

In North Carolina, the prospective bride and groom must go in person at the same time to the Register of Deeds in the county in which they will be married.

149. Is there a fee for a marriage license?

The fee for a marriage license varies by county. Currently, the fee generally falls in the range of \$40 to \$50 and payment in cash may be required.

150. What information is necessary to secure a marriage license?

An applicant must provide a certified copy of their birth certificate as proof of age if 20 years old or younger. If the applicant has reached age 21, any identification with a name and birth date is acceptable, including a driver's license, a passport or a certified copy of a birth certificate. All applicants must provide a Social Security number and can document it with their Social Security card, a W-2, or a pay stub. Applicants who do not have any of this documentation can complete an affidavit provided by the Register of Deeds.

151. What are the age requirements for marriage in North Carolina?

It is necessary to be emancipated and provide a copy of the final decree of emancipation or age 18 or older to consent to marriage without the permission of a parent or guardian. At age 16 or 17, the consent of a parent or guardian is necessary. The parent or guardian must accompany the applicant to the Register of Deeds office, provide a driver's license to verify identity and sign a consent form. If the applicant's parents are divorced, the custodial parent must accompany the applicant. A male under age 16 may not legally marry unless emancipated. However, a female under age 16 may get married if she is:

- above age 12 and pregnant; or
- has a child and wishes to marry the child's father. In this case, the female still must have the written consent of a parent or guardian with whom she lives or the director of the Department of Social Services in her county, if she is in the custody of that department.



Government & Citizen Participation

As juveniles approach adulthood, they are faced with many new responsibilities in their communities such as the ones addressed in this section. It is important to be informed about registration and voting, laws and law-making procedures, local ordinances, agency policies and public hearings.

152. How does a person register to vote?

To register to vote, contact a local registrar for information on where and when to register in the community; this number should be listed in the telephone directory under the Board of Elections. You may now register to vote or make changes to your current voter registration while applying for a N.C. driver license or special identification card. Also, many public libraries allow citizens to register to vote. Or you may go directly to the Board of Elections, which is located in the courthouse of most communities.

153. What are the voting requirements in North Carolina?

To vote in any of North Carolina's elections, the voter must be 18 years old and a registered voter. If a citizen is 17 but will be 18 by Election Day, he/she may register as early as 30 days before the election. The registration books are closed 21 working days before an election. To register, a voter must be a United States citizen. Conviction of a felony hinders the right to vote. A convicted felon cannot vote unless his/her civil rights have been restored.

154. What will happen if a voter fails to vote?

If a voter fails to vote at least once in every four-year period, his/her name may be stricken from the voter roll.

155. How can a state law be changed?

North Carolina is divided into Senate and House of Representative districts. The number of representatives from each district depends on the population of that district. To learn who represents a specific district, call a local newspaper, library or local government offices. The powers and duties of senators and representatives are generally the same, so citizens may contact either to discuss concerns about a state law. You may contact your legislators by letter or by telephone. If you would like to meet with them personally, it is best to first set up an appointment.

156. How can a local ordinance be changed?

To attempt to change a local ordinance, begin by contacting the mayor's office, a city council representative, the town or city manager's office, or a member of the board of supervisors. If these people cannot be of assistance, they can probably provide the name, address and telephone number of an office that handles citizen inquiries.

157. How can an agency policy be changed?

To change an agency's policy, a person can petition the agency or agency head to hold a public hearing to solicit opinions from the public on that issue.

158. What is a public hearing?

A public hearing is generally held by a public or governing body to solicit opinions from the public on public issues.

159. If a citizen decides to speak at a public hearing, how should he/she prepare?

To speak, a citizen should contact the board, commission, agency or organization holding the hearing and request to be put on the agenda. A speaker should get information about time limits for speaking and about whether the remarks should be put in writing. Speakers should thoroughly research the subject about which they will be speaking because it will make a better impression if a good understanding of the issue is demonstrated. At the public hearing, when called on to speak, the speaker should begin by identifying himself/herself. He/she should be brief, accurate and prepared to answer questions. If a speaker cannot answer a question, he/she should say so rather than attempting to answer.

160. How can the citizen learn of a public hearing that is scheduled?

Public hearings are often publicized by local newspapers, television and radio. Public hearings sponsored by a state government agency are also announced in the State Register, which is available in most public libraries. The group sponsoring the hearing will normally send a press release stating the time, date and location of the meeting.

161. When may a citizen serve on a jury?

A citizen may be called to serve jury duty upon reaching age 18. Prospective jurors are selected from various tax records, phone listings and driver's license records.

162. What can citizens do to improve their community?

Young people can help improve their community in many ways. Anyone interested in volunteering may contact the Office of Citizen and Community Services, Office of the Governor, 116 W. Jones St., Raleigh, N.C. 27603-8003, telephone (919) 733-2391 or toll-free at 1-800-662-7952. Be sure to check a local newspaper for a "Volunteers Wanted" column. You may also want to contact local civic and service organizations to find out how you can become involved.

163. What may a citizen do if he/she has problems or concerns about issues affecting young people and is not satisfied with the response locally?

To express concerns, a citizen may contact the Youth Advocacy and Involvement Office, 217 W. Jones St., Suite 218, 1319 Mail Service Center, Raleigh, N.C. 27699-1319, telephone (919) 733-9296.

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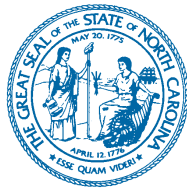
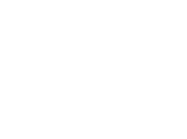
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